

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAYAKUMAR SUNDARAN NAIR et al.,

Plaintiffs,

v.

ALEX TOTH et al.,

Defendants.

CASE NO. 2:23-cv-00454-TL

ORDER OF DISMISSAL

This matter is before the Court on its own motion upon review of the record. Having considered the relevant record, the Court ORDERS this case DISMISSED without prejudice.

On July 14, 2023, the Court ordered Plaintiffs to (1) file an amended complaint by no later than Monday, August 14, 2023, clarifying the individual plaintiffs in this action; (2) note the appearance of counsel for any individual parties who expect to raise claims on behalf of incapacitated family members by the amended complaint deadline; and (3) note the appearance of counsel to represent any business entity parties and file corporate disclosure statements by the same deadline. Dkt. No. 11 at 3–5. In the alternative, the Court noted that “[i]f Plaintiffs are

1 unable to meet any of these obligations, they may choose instead to respond to this order by
2 showing good cause to avoid” the dismissal of any parties or claims. *Id.* at 6. There has been no
3 activity in this case since the Court entered its order.

4 The Court may dismiss an action when a “plaintiff fails . . . to comply with . . . a court
5 order” to file an amended complaint or otherwise correct deficiencies by a specified deadline.
6 Fed. R. Civ. P. 41(b); *Hearns v. San Bernardino Police Dep’t*, 530 F.3d 1124, 1130 (9th Cir.
7 2008) (affirming Rule 41(b) dismissal where plaintiff failed to sufficiently amend complaint after
8 court provided “specific instructions on how to correct the complaint”); *Yourish v. California*
9 *Amplifier*, 191 F.3d 983, 986–87 (9th Cir. 1999) (affirming Rule 41(b) dismissal where plaintiff
10 failed to file amended complaint in time allotted by district court). *See also Link v. Wabash R.*
11 *Co.*, 370 U.S. 626, 630-31 (1962) (recognizing the authority of a court to dismiss *sua sponte*
12 under Rule 41(b)).

13 Therefore, the Court ORDERS Plaintiffs’ Complaint DISMISSED without prejudice for
14 failure to comply with this Court’s prior order to show cause.

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16 Dated this 30th day of August 2023.

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19 Tana Lin
20 United States District Judge
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